

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

*This Document Relates To:
All Cases*

Case No. 1:21-md-03010 (PKC)

**STIPULATION AND [PROPOSED] ORDER TO DEFER EXPERT
DISCOVERY CONCERNING EQUITABLE REMEDIES**

Defendants Google LLC, Alphabet Inc., and YouTube, LLC (collectively “Defendants”) and Plaintiffs Inform Inc., Associated Newspapers Ltd., Mail Media Inc., Gannett Co., Inc., Michael Stellman, the putative Publisher Class Plaintiffs, and the putative Advertiser Class Plaintiffs (collectively “Plaintiffs,” and together with Defendants, the “Parties”) stipulate as follows:

WHEREAS, certain Plaintiffs in this MDL are seeking equitable, injunctive, and/or structural relief (for simplicity, referred to together as “equitable remedies”) in addition to monetary relief.

WHEREAS, any finding on liability will inform what discovery, if any, is appropriate regarding Plaintiffs’ equitable remedies.

WHEREAS, the Parties agree that deferring expert discovery relating to equitable remedies will promote judicial economy by allowing the Parties and the Court to (i) avoid spending time and resources addressing matters that ultimately may be unnecessary, depending on the outcomes of the actions included within this multidistrict litigation; and (ii) in the event of a liability finding, tailor any expert discovery and litigation on equitable remedies.

WHEREAS, courts in other antitrust cases have provided for post-trial expert discovery on equitable remedies. *See, e.g.,* Order at 3, *United States v. Google LLC*, Case No. 23-cv-00108

(E.D. Va. July 11, 2023), ECF No. 283 (establishing process for plaintiffs, if they prevail at trial, to indicate “what equitable relief [they] intend to pursue” based on the liability finding and for the parties to “exchang[e] expert reports addressing the specific equitable remedy or remedies being sought”); Order on Bifurcation at 1, *Texas v. Google LLC*, Case No. 20-cv-00957 (E.D. Tex. Aug. 30, 2024), ECF No. 610 (“If there is a liability finding, the Court will order separate proceedings regarding equitable remedies”); Minute Entry at 1-2, *In re Google Play Store Antitrust Litig.*, Case No. 3:21-md-02981 (N.D. Cal. May 24, 2024), ECF No. 978 (ordering post-trial expert discovery to determine “an appropriate injunctive remedy” based on the liability finding); Order to Bifurcate Proceedings at 2, *United States v. Google LLC*, Case No. 1:20-cv-03010 (D.D.C. Dec. 6, 2021), ECF No. 264 (deferring “expert discovery and testimony . . . regarding particular remedies” until post-trial remedies phase); Joint Scheduling Order at 2, *FTC v. Meta Platforms, Inc.*, 20-cv-03590 (D.D.C. Mar. 3, 2022), ECF No. 103 (deferring “any additional discovery to facilitate a remedy phase” until after the liability phase of proceedings).

NOW THEREFORE, Defendants and Plaintiffs, through their respective counsel, hereby stipulate as follows:

1. Expert discovery relating solely to equitable remedies is hereby deferred until after findings have been made with respect to liability, to the extent necessary based on any remaining claims at that time, or until otherwise ordered.
2. The expert reports currently due to be served on October 4, 2024 (Plaintiffs’ opening reports), December 13, 2024 (Defendants’ responsive reports), and January 17, 2025 (Plaintiffs’ rebuttal reports), *see* ECF No. 880, shall not address issues relating solely to equitable remedies.

3. Nothing in this stipulation shall be deemed an admission by any Party as to any issue relating to liability or remedies, nor be deemed to alter the burden of proof, persuasion, or production as to any issue relating to liability or remedies. Plaintiffs and Defendants each expressly reserve all rights with respect to all issues relating to liability and remedies.
4. This stipulation shall have no impact on the ability of any Plaintiff (including its experts) to participate, or Defendants' ability to oppose such participation, in any remedy-phase discovery that may occur in any other pending case.

IT IS SO STIPULATED AND ORDERED.

Hon. P. Kevin Castel, U.S.D.J.

Dated: October 3, 2024

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